

MAY - 8 2009

U.S. DISTRICT COURT  
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:09-CR-19

FRANK EDWARD BIVIANO,

Defendant.

**ORDER OF TRANSFER BACK TO COURT OF ORIGINAL JURISDICTION**

On January 25, 2009, the defendant in the above-captioned matter consented to the Rule 20 transfer of a pending criminal information alleging a violation of 18 U.S.C. §§ 1028(a)(7) and (b)(1)(D) from the Eastern District of Virginia to the Western District of North Carolina. On March 31, 2009, the case was transferred to the Western District of North Carolina.

Upon such transfer, complications arose regarding the disposition of the case in the Western District of North Carolina and an Oral Order was entered on May 4, 2009 allowing the defendant to withdraw consent to transfer the matter to the Western District of North Carolina.

WHEREFORE, as it appears just and proper to do so, IT IS HEREBY ORDERED THAT this matter be transferred back to the Eastern District of Virginia for further disposition.

<sup>DW</sup>  
~~IT IS ALSO ORDERED that the status hearing scheduled for Friday, May 8, 2009 at 9:00 a.m. be stricken from the calendar.~~ <sup>DCH</sup>

IT IS FURTHER ORDERED THAT certified copies of this Court's docket be forwarded to the Eastern District of Virginia..

Date: May 8, 2008

Dennis C. Howell  
United States Magistrate Judge